



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Seventeenth Meeting Day

Tuesday Afternoon

February 8, 2005

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Reverend Phillip Messer, Teaberry Hill Estates Church, Francesville, the guest of Senator Thomas K. Weatherwax.

The Pledge of Allegiance to the Flag was led by Senator Weatherwax.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 81: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 609, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

Report adopted.

KENLEY, Chair

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 213, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[JUNE 1, 2005]".

Page 1, line 3, after "39." insert "(a) As used in this section, **"recreational vehicle" means a vehicle with or without motive power equipped exclusively for living quarters for persons traveling upon the highways. The term includes a travel trailer, a motor home, a truck camper with a floor and facilities enabling it to be used as a dwelling, and a fifth wheel trailer.**

(b)".

Page 1, line 3, delete "motor vehicle, a trailer,".

Page 1, line 4, delete "a watercraft," and insert "**recreational vehicle**".

Page 1, between lines 5 and 6, begin a new line block indented and insert:

"(1) the purchaser is a nonresident;".

Page 1, line 6, delete "(1)" and insert "(2)".

Page 1, line 6, delete "motor vehicle, trailer,".

Page 1, line 7, delete "watercraft," and insert "**recreational vehicle**".

Page 1, line 7, delete "immediately".

Page 1, line 7, after "it" insert "**within thirty (30) days**".

Page 1, line 9, delete "(2) the motor vehicle, trailer, watercraft," and insert "**(3) the recreational vehicle**".

Page 1, line 11, delete "(3) the motor vehicle, trailer, watercraft," and insert "**(4) the recreational vehicle**".

Page 1, between lines 12 and 13, begin a new line blocked left and insert:

"The amount of the exemption for a recreational vehicle is determined in subsection (c).

(c) The amount of the exemption for a recreational vehicle under this section is equal to the amount of:

(1) the state gross retail tax that would be imposed on the transaction if the recreational vehicle were registered in Indiana; minus

(2) the sales, use, or similar tax that would have been imposed on the transaction under the laws of the state in which the purchaser affirms the recreational vehicle will be registered.

The amount of the exemption under this section may not exceed the amount of the state gross retail tax that would be imposed on the transaction if the recreational vehicle were registered in Indiana. A retail merchant that accepts an exemption claim for a recreational vehicle under this section shall, within sixty (60) days after the date of the transaction, have on file a copy of the

purchaser's title or registration of the recreational vehicle outside Indiana or pay to the state the amount of the exemption.

(d) Any state gross retail tax due after the application of the exemption provided by this section must be paid to the retail merchant.

(e) A purchaser must claim an exemption under this section by submitting to the retail merchant an affidavit stating the purchaser's intent to:

- (1) transport the recreational vehicle or aircraft to a destination outside Indiana within thirty (30) days after delivery; and
- (2) title or register the recreational vehicle or aircraft for use in another state.

The department shall prescribe the form of the affidavit. The affidavit must identify the state in which the recreational vehicle will be titled or registered. Within sixty (60) days after the date of the transaction, the purchaser shall provide to the retail merchant a copy of the purchaser's title or registration of the recreational vehicle outside Indiana.

(f) The department shall provide the information necessary to calculate the amount of an exemption claimed under this section to retail merchants in the business of selling recreational vehicles."

Page 1, line 14, delete "June 30," and insert "**May 31**,".

Page 1, after line 14, begin a new paragraph and insert:
 "SECTION 3. **An emergency is declared for this act.**"

(Reference is to SB 213 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill 405, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-26.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 26.1. "General election year" refers to an even-numbered year that is not a presidential election year.**

SECTION 2. IC 3-5-2-40.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 40.5. "Presidential election year" refers to a year in which an election for President of the United States is held.**

SECTION 3. IC 3-10-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 13. Municipal Elections in Even-Numbered Years

Sec. 1. This chapter applies to municipal elections conducted by a county election board in a county if a majority of the municipalities in a county adopt an ordinance placing the

county under this chapter.

Sec. 2. If the majority of the municipalities of a county adopts an ordinance placing the county under this chapter, the following apply:

- (1) The county election board of the county may not hold a municipal election in an odd-numbered year.
- (2) Each municipality for which the county election board of the county conducts the municipality's elections shall adopt an ordinance providing for election of all municipal officers in even-numbered years.

Sec. 3. (a) An ordinance adopted under section 2 of this chapter may provide for any of the following:

- (1) That the election of all elected municipal officers is held in presidential election years.
- (2) That the election of all elected municipal officers is held in general election years.
- (3) That, to stagger the election of municipal officers, the election of some elected municipal officers occurs in the presidential election year and the election of the other elected municipal officers occurs in the general election year.

(b) If the ordinance provides for staggering of the election of elected municipal officers under subsection (a)(3), the ordinance must state which officers are elected in presidential election years and which officers are elected in general election years.

Sec. 4. An ordinance adopted under section 2 of this chapter must do the following:

- (1) State the first even-numbered year in which an election for elected municipal officers will occur.
- (2) State the term of office for each elected municipal officer who is first elected in an even-numbered year under the ordinance. The term of office of such an elected municipal officer may not be more than four (4) years.
- (3) Provide that the term of office of each elected municipal officer begins on January 1 following the date of the election.

Sec. 5. An ordinance adopted under section 2 of this chapter may not shorten the current term of office of an elected municipal officer who holds office on the day the ordinance is adopted.

Sec. 6. Notwithstanding any other law, the following apply:

- (1) The elected municipal officers of a municipality that adopts an ordinance under section 2 of this chapter shall be elected in the even-numbered years as provided in the ordinance.
- (2) The elected municipal officers first elected under an ordinance adopted under section 2 of this chapter shall serve the term of office stated in the ordinance, beginning on January 1 after the election.
- (3) The term of office of the successor of each elected municipal officer first elected in an even-numbered year under an ordinance adopted under section 2 of this chapter is four (4) years beginning on January 1 after the election.

Sec. 7. An ordinance adopted under section 2 of this chapter may provide other details for municipal elections not in conflict with this chapter or other law."

Page 1, line 1, after "(a)" insert "**This SECTION applies only**

to a county containing a consolidated city.

(b) The definitions in IC 3-5-2 apply throughout this SECTION.

(c)".

Page 1, line 2, delete "local" and insert "**city or town**".

Page 1, line 4, delete "(b)" and insert "**(d)**".

Page 1, line 5, delete "(a)" and insert "**(c)**".

Page 1, line 6, delete "(c)" and insert "**(e)**".

Page 1, line 6, delete "(a)" and insert "**(c)**".

Page 1, delete lines 8 through 11.

Page 1, line 12, delete "(e)" and insert "**(f)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 405 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 3.

LAWSON, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 23

Senate Concurrent Resolution 23, introduced by Senator Bray:

A CONCURRENT RESOLUTION to recognize Wayne Dillman for his thirty-four years of distinguished service to the agricultural industry and to congratulate him on his retirement from the Indiana Farmers Union.

Whereas, Wayne Dillman was born in Banta, Indiana, graduated from Martinsville High School, and has been a lifelong resident of Morgan County;

Whereas, In 1951, Wayne graduated from Purdue University, School of Agriculture with a BS degree;

Whereas, In 1955 he married Margaret Jo Hardin. They have four children, six grandchildren, and one great-grandchild;

Whereas, In 1970 Wayne joined the Indiana Farmers Union as a lobbyist in the General Assembly and on November 23, 2004 completed 34 years of continuous service in that role;

Whereas, Wayne has been involved in the Hoosier Farmland Task Force, Indiana Commission for Agriculture and Rural Development, the National Association of Storytellers, Board of Directors for the FFA Foundation, and is a charter member of 'The Barn' (Center for Agriculture Science and Heritage);

Whereas, In the summer of 1996, Wayne joined with Mauri Williamson and the Purdue Agriculture Alumni Association in the operation of the Pioneer Village at the Indiana State Fair;

Whereas, He has also been involved in his local community serving two terms as Advisory Board Member to the Green Township Trustee's Office and three terms on the Martinsville School Board. In addition, he has also written a book on rural life in Morgan County; and

Whereas, Wayne says that one of his most gratifying accomplishments is joining together with others to collect over a quarter of a million dollars in donations that designed and erected a beautiful Morgan County Veterans Memorial: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly hereby recognizes the outstanding career and the many accomplishments of Wayne Dillman and honors him upon his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Wayne Dillman.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Foley.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Breaux, Broden, Clark, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 23.

BRAY

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-2-2-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10.5. (a) As used in this section, "unit" has the meaning set forth in IC 36-1-2-23.**

(b) A unit may not establish, mandate, or otherwise require the payment of a wage that exceeds the wage required by section 4 of this chapter.

(c) An ordinance, rule, or policy of a unit concerning the payment of a wage that exceeds the wage described in subsection (b) is void regardless of when enacted or adopted.

(Reference is to SB 19 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Pensions and Labor.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 20, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-2-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Every person, firm, corporation, limited liability company, or association, their trustees, lessees, or receivers appointed by any court, doing business in Indiana, shall pay each employee at least semimonthly or biweekly, if requested, the amount due the employee. The payment shall be made in lawful money of the United States, by negotiable check, draft, or money order, or by electronic transfer to the financial institution designated by the employee. Any contract in violation of this subsection is void.

(b) Payment shall be made for all wages earned to a date not more than ten (10) **business** days prior to the date of payment. However, this subsection does not prevent payments being made at shorter intervals than specified in this subsection, nor repeal any law providing for payments at shorter intervals. However, if an employee voluntarily leaves employment, either permanently or temporarily, the employer shall not be required to pay the employee an amount due the employee until the next usual and regular day for payment of wages, as established by the employer. If an employee leaves employment voluntarily, and without the employee's whereabouts or address being known to the employer, the employer is not subject to section 2 of this chapter until:

- (1) ten (10) **business** days have elapsed after the employee has made a demand for the wages due the employee; or
- (2) the employee has furnished the employer with the employee's address where the wages may be sent or forwarded.

SECTION 2. IC 22-2-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) **Except as provided in subsection (b), every ~~such~~ person, firm, corporation, limited liability company, or association who ~~shall fail~~ fails to make payment of wages to ~~any such an~~ employee as provided in section 1 of this chapter shall as liquidated damages for such failure, pay to ~~such the~~ employee for each day that the amount due to ~~him~~ the employee remains unpaid interest at the annual rate of ten percent (10%) ~~of on~~ the amount due to ~~him~~ the employee in addition thereto, not exceeding double the amount of wages due, and said damages to the wages due.**

(b) **Upon termination of an employment relationship, the employer shall pay to the employee the unpaid wages minus any amount deducted as due to the employer from the employee.**

(c) **At the employee's request, an employer that deducts an amount under subsection (b) shall provide the employee with a written notice itemizing the amounts deducted. The employer shall provide the written notice required by this subsection not later than fourteen (14) days after the date of the employee's request.**

(d) **The wages, including any amount in disagreement under subsection (b), may be recovered in any court having jurisdiction**

of a suit to recover the amount due to ~~such the~~ employee, and in any suit so brought to recover said wages or the liquidated damages for nonpayment thereof, or both, the court shall tax and assess as costs in said case a **along with** reasonable fee for the plaintiff's attorney or attorneys: **attorney's fees incurred by the employee.**

(e) **This section does not preclude the employer or employee from recovering other damages to which either is entitled.**

SECTION 3. IC 22-2-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Any assignment of the wages of an employee is valid only if **it is an allowed deduction under federal law or** all of the following conditions are satisfied:

- (1) The assignment is:
 - (A) in writing;
 - (B) signed by the employee personally;
 - (C) by its terms revocable at any time by the employee upon written notice to the employer; and
 - (D) agreed to in writing by the employer.
- (2) An executed copy of the assignment is delivered to the employer within ten (10) days after its execution.
- (3) The assignment is made for a purpose described in subsection (b).
- (b) A wage assignment under this section may be made for the purpose of paying any of the following:
 - (1) Premium on a policy of insurance obtained for the employee by the employer.
 - (2) Pledge or contribution of the employee to a charitable or nonprofit organization.
 - (3) Purchase price of bonds or securities, issued or guaranteed by the United States.
 - (4) Purchase price of shares of stock, or fractional interests therein, of the employing company, or of a company owning the majority of the issued and outstanding stock of the employing company, whether purchased from such company, in the open market or otherwise. However, if such shares are to be purchased on installments pursuant to a written purchase agreement, the employee has the right under the purchase agreement at any time before completing purchase of such shares to cancel said agreement and to have repaid promptly the amount of all installment payments which theretofore have been made.
 - (5) Dues to become owing by the employee to a labor organization of which the employee is a member.
 - (6) Purchase price of merchandise sold by the employer to the employee, at the written request of the employee.
 - (7) Amount of a loan made to the employee by the employer and evidenced by a written instrument executed by the employee subject to the amount limits set forth in section 4(c) of this chapter.
 - (8) Contributions, assessments, or dues of the employee to a hospital service or a surgical or medical expense plan or to an employees' association, trust, or plan existing for the purpose of paying pensions or other benefits to said employee or to others designated by the employee.
 - (9) Payment to any credit union, nonprofit organizations, or associations of employees of such employer organized under any law of this state or of the United States.

(10) Payment to any person or organization regulated under the Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit to the employee's account by electronic transfer or as otherwise designated by the employee.

(11) Premiums on policies of insurance and annuities purchased by the employee on the employee's life.

(12) The purchase price of shares or fractional interest in shares in one (1) or more mutual funds.

(13) A judgment owed by the employee if the payment:

(A) is made in accordance with an agreement between the employee and the creditor; and

(B) is not a garnishment under IC 34-25-3.

(14) Payment for the purchase or maintenance of uniforms worn by the employee while performing duties for the employer.

(15) Payment for the purchase or rental of tools and equipment used by the employee while performing duties for the employer.

(16) Payment or repayment of the employee's tuition for:

(A) a postsecondary educational institution;

(B) an apprenticeship training program; or

(C) an educational training program;

approved by the employer.

SECTION 4. IC 22-2-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) An employer who deducts the fee described in section 4 of this chapter does not violate this section.**

(b) It is unlawful for any employer to assess a fine on any pretext against any employee and retain the same or any part thereof from ~~his~~ **the employee's** wages.

(c) An employer who violates this section commits a Class C infraction.

SECTION 5. IC 22-2-8-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. **(a) Notwithstanding section 1 of this chapter, an employer may deduct from an employee's wages a fee computed under subsection (b) to issue a replacement payroll check at the written request of the employee because of theft, destruction, or other loss of the original payroll check after receipt by the employee.**

(b) The fee described in subsection (a) is equal to:

(1) the amount charged the employer by a financial institution to stop payment on the original payroll check; plus

(2) the lesser of:

(A) the employer's reasonable costs incurred to reissue the payroll check; or

(B) twenty dollars (\$20).

SECTION 6. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

Chapter 6. Employer Sales to Employees

Sec. 1. An employer may not sell to an employee of the employer any:

(1) merchandise; or

(2) supplies;

at a price higher than the employer sells the merchandise or supplies for cash to another person who is not an employee of

the employer.

Sec. 2. A person who violates section 1 of this chapter commits a Class C infraction.

SECTION 7. IC 22-2-4 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 8. [EFFECTIVE JULY 1, 2005] **IC 22-2-8-4, as added by this act, applies to wages first payable after June 30, 2005.**

SECTION 9. **An emergency is declared for this act.**

(Reference is to SB 20 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Pensions and Labor.

GARTON, Chair

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 180

Senator Lanane called up Senate Bill 180 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 332

Senator M. Young called up Senate Bill 332 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 332-1)

Madam President: I move that Senate Bill 332 be amended to read as follows:

Page 2, line 16, after "Allegiance" insert **"in each classroom or"**.

Page 2, line 32, after "classroom" insert **"or on school grounds."**

Page 2, line 32, delete "of the".

Page 2, delete line 33.

(Reference is to SB 332 as printed February 4, 2005.)

SIPES

Motion prevailed. The bill was ordered engrossed.

Senate Bill 362

Senator Broden called up Senate Bill 362 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 264

Senator Altting called up Engrossed Senate Bill 264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 82: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan and Reske.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 11

House Concurrent Resolution 11, sponsored by Senator Zakas:

A CONCURRENT RESOLUTION congratulating the Penn High School Spell team and coach on their sixth consecutive state championship.

Whereas, The Hoosier Spell Bowl is an academic competition;

Whereas, The competition consists of ten rounds of nine words each. The words are read by an emcee with a different team member competing in each round;

Whereas, Each participant has 15 seconds to write the word in the correct space on the answer sheet;

Whereas, At the conclusion of the 15 seconds, the word is scored by a proctor before the emcee reads the next word;

Whereas, The Penn High School Spell team is the Hoosier Spell Bowl champion for the sixth consecutive time, defeating Martinsville and East Noble in the final round with a perfect score of 90;

Whereas, The Penn High School Spell team had a 92 - 0 record this season and has been undefeated since 1999, winning 36 consecutive competitions and amassing a record of 422 - 0 - 2;

Whereas, Penn High School Spell team members established a single season state record with five perfect team scores;

Whereas, Victorious in all six invitationals, Penn High School Spell team members scored a perfect team score in three of the six meets;

Whereas, Penn High School Spell team co-captain Ashley Harlacher set an unofficial state career scoring record by correctly spelling all 225 words in her four years of varsity competition;

Whereas, Penn High School Spell team coach Peter DeKever was also recently recognized for his dedication and hard work by being named one of the Academic Coaches of the Year by the Indiana Association of School Principals;

Whereas, The Penn High School Spell team members and their coach have worked long and hard to achieve this honor; and

Whereas, Academic excellence such as this deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives congratulates the Penn High School Spell team members and their coach on their victory in the state finals of the Hoosier Spell Bowl.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Penn High School Spell team members and coach and to the Penn High School principal and superintendent.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 10

House Concurrent Resolution 10, sponsored by Senators Altting and Simpson:

A CONCURRENT RESOLUTION honoring Calbert Cree.

Whereas, The servicemen and servicewomen of the United States who defend our country are an integral part of the safety of our country and the consistent excellence of our military forces;

Whereas, In peacetime, the servicemen and servicewomen of the United States may be stationed in places far away from their families and loved ones, and in time of war they face the possibility of death or serious injury;

Whereas, Calbert Cree is a brave American who has helped to defend and vigilantly guard American soil;

Whereas, Born in Tippecanoe County, Calbert Cree entered the United States Army in December 1961, and served his country honorably until his discharge in 1964, by serving in the Military Policy Security Headquarters in Arlington, Virginia;

Whereas, After his discharge, Calbert Cree continued to work for veterans, serving as the Community Services Director of the Indiana Veterans' Home, a charter member of the Veterans Service Foundation of Indiana, and a voting member of the Tippecanoe County Veterans Council;

Whereas, In addition to his work with the Indiana Veterans' Home and the Tippecanoe County Veterans Council, Calbert Cree is a charter/lifetime member of AMVETS Post 79 (serving as the Commander from 1997 to 2005), the Chairman of the Indiana Veterans' Home Committee Department of AMVETS, the AMVETS Department Senior Vice Commander and Commander, the Commander and a life member of the American Legion Post 492, the Commander of the American Legion 2nd District, the Vice-Commander of the American Legion Northern Department, and a member of the American Legion Department Indiana Veterans' Home Committee;

Whereas, Calbert Cree is a 32nd Degree Master Mason, has served as Treasurer and Secretary of Masonic Lodge 511, and is a member of the Murat Shrine and past President and Treasurer of the Tippecanoe Shrine Club; and

Whereas, America has always been committed and grateful to those who serve her in the military, and Calbert Cree is one such person: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly acknowledges the many accomplishments of Calbert Cree and his many hours of dedicated service to the veterans of the State of Indiana and the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Calbert Cree.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 334

Senator M. Young called up Engrossed Senate Bill 334 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 38, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Frizzell.

Engrossed Senate Bill 444

Senator M. Young called up Engrossed Senate Bill 444 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Friend and Grubb.

Engrossed Senate Bill 111

Senator Meeks called up Engrossed Senate Bill 111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 85: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Alderman.

Engrossed Senate Bill 352

Senator Broden called up Engrossed Senate Bill 352 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker and Dvorak.

Engrossed Senate Bill 301

Senator Clark called up Engrossed Senate Bill 301 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 46, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Hinkle.

Engrossed Senate Bill 484

Senator Wyss called up Engrossed Senate Bill 484 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Alderman and Tinch.

Engrossed Senate Bill 125

Senator Ford called up Engrossed Senate Bill 125 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 89: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Ripley.

Engrossed Senate Bill 43

Senator Gard called up Engrossed Senate Bill 43 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 90: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ripley and Pelath.

Engrossed Senate Bill 101

Senator Long called up Engrossed Senate Bill 101 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 91: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Messer, Crawford, Foley, and Kuzman.

Engrossed Senate Bill 612

Senator Harrison called up Engrossed Senate Bill 612 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 92: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House

sponsor: Representative Torr.

Engrossed Senate Bill 172

Senator M. Young called up Engrossed Senate Bill 172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 93: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Budak and Becker.

Engrossed Senate Bill 265

Senator Jackman called up Engrossed Senate Bill 265 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 94: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan and Grubb.

Engrossed Senate Bill 278

Senator Meeks called up Engrossed Senate Bill 278 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 95: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Espich.

The President of the Senate yielded the gavel to Senator Garton.

Engrossed Senate Bill 420

Senator Lawson called up Engrossed Senate Bill 420 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning children.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 96: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Budak and Crawford.

Engrossed Senate Bill 208

Senator Lewis called up Engrossed Senate Bill 208 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 97: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Pond.

Engrossed Senate Bill 241

Senator Long called up Engrossed Senate Bill 241 for third reading:

A BILL FOR AN ACT concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Borror, Moses, Bottorff, and Espich.

Engrossed Senate Bill 598

Senator Lubbers called up Engrossed Senate Bill 598 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 99: yeas 33, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Porter.

Engrossed Senate Bill 574

Senator Server called up Engrossed Senate Bill 574 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 100: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker and Avery.

Engrossed Senate Bill 114

Senator Meeks called up Engrossed Senate Bill 114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 101: yeas 40, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Wolkins and Klinker.

Engrossed Senate Bill 619

Senator Gard called up Engrossed Senate Bill 619 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 102: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Senator Garton yielded the gavel to Senator Paul.

Engrossed Senate Bill 293

Senator Miller called up Engrossed Senate Bill 293 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Frizzell.

Senator Paul yielded the gavel to Senator Harrison.

Engrossed Senate Bill 140

Senator Paul called up Engrossed Senate Bill 140 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 43, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Saunders and Hoffman.

Senator Harrison yielded the gavel to Senator Garton.

Engrossed Senate Bill 433

Senator Lubbers called up Engrossed Senate Bill 433 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the arts.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 46, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning, Klinker, and Duncan.

Engrossed Senate Bill 615

Senator Server called up Engrossed Senate Bill 615 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 106: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Becker and C. Brown.

Engrossed Senate Bill 67

Senator Steele called up Engrossed Senate Bill 67 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 107: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel, Burton, and Bischoff.

Engrossed Senate Bill 341

Senator Lawson called up Engrossed Senate Bill 341 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 108: yeas 32, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson and Thomas.

Engrossed Senate Bill 554

Senator Waterman called up Engrossed Senate Bill 554 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 109: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Bischoff.

**ENGROSSED HOUSE BILLS
ON THIRD READING****Engrossed House Bill 1022**

Senator Steele called up Engrossed House Bill 1022 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military bases.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 23 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1113, 1137, 1211, 1288, 1320, 1326, 1357, 1358, 1431, 1590, 1593, and 1794 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 11 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 10 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Engrossed Senate Bill 140.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as second author of Engrossed Senate Bill 293.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as second author of Senate Bill 175.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 121.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 484.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 602.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senators Clark, Hume, and Simpson be added as coauthors of Senate Bill 1.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Engrossed Senate Bill 444.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be removed as coauthor of Senate Bill 518.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as second author of Senate Bill 518.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Harrison be removed as author of Senate Bill 19 and that Senator M. Young be substituted therefor.

HARRISON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Harrison be removed as author of Senate Bill 20 and that Senator M. Young be substituted therefor.

HARRISON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Craycraft and Mrvan be added as coauthors of Senate Bill 268.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Engrossed Senate Bill 615.

SERVER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author of Senate Bill 609.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Waltz, Steele, and Lanane be added as coauthors of Senate Bill 175.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 178.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as second author and Senator Kenley be added as coauthor of Senate Bill 400.

CLARK

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 10, 2005.

LONG

Motion prevailed.

The Senate adjourned at 5:37 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate